



Arbitration Online External User Guide

April 2020

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1. Overview

From 20 April 2020 Arbitration documents can be lodged via the Conciliation and Arbitration Services module (Online Module) of the *WorkCover WA Online* platform.

In addition to existing functionality, the Online Module now facilitates lodgement of Arbitration documents as well as providing for ongoing administrative oversight of a dispute before the Arbitration Service.

As part of the transition to online on 20 April 2020 all existing Arbitration matters will be accessible via the Online Module and appear in the applications and cases list.

A contact person should be assigned to each of the Arbitration cases once they are made available online.

WorkCover WA Online can be accessed by clicking this [link](#) or visiting the WorkCover WA home page and using the Quick Access menu on the left hand side of the page.

To use the Online Module, please ensure you have a registered account for WorkCover WA Online. Multi-factor authentication (MFA) and minimum password requirements have been implemented for the WorkCover WA Online system to add more security for online credentials and information. Registered users will be prompted to sign-up for MFA at each logon using a mobile number and text message. All users are strongly encouraged to opt-in to use the MFA feature.

1.1 Key information, features and differences to Conciliation

- All existing 'open' Arbitration, Extension and Workplace Fatality (dependency) cases will become accessible via the Online Module and appear in the Applications & Cases list.
- If there are cases currently before the Arbitration Service that you consider are of a sensitive nature, access to these from within your organisation should be restricted via the 'Manage Contact' area of the Online Module. *Note: If a contact officer has NOT been set for a particular case you will not see the option to restrict access to that case.*
- The Local Security Officer (LSO) within your company will have the ability to restrict access to a particular case as is the situation currently with Conciliation cases.
- The additional functionality for online lodgement in the Arbitration Service operates concurrently with existing forms: Form 150 – Application for Arbitration; Form 150A – Application for Arbitration – Workplace Fatality; Form 152 – Application to Extend Time to Lodge an Application for Arbitration and Form 154 – Reply to an Application for Arbitration.
- All other case management functions will be managed by completing the appropriate Arbitration forms and uploading them as a document via the Online Module.
- For those existing cases transferred to the Online Module, users will not be able to see documents lodged prior to 20 April 2020 however will be able to view any Notices issued by the Arbitration Service in relation to the case prior to that date.
- It is not currently mandatory for parties to utilise the Online Module for lodging Arbitration documents however parties are encouraged to do so.

- All physical/hard copy Arbitration applications accepted from 20 April 2020 will be made available via the Online Module, even if they were not lodged online.
- All Replies and other Arbitration related Documents lodged as hard copy, will be processed in accordance with existing offline processes, with sealed copies returned by mail.
- Only Replies and Documents lodged via the Online Module will be processed in accordance with the new online processes.
- All outgoing Notices issued by the Arbitration Service to insurers and representatives will be sent via the Online Module.
- 'Service' is not facilitated by the Online Module and remains the responsibility of the filing party.
- Rule 12 of the *Workers' Compensation and Injury Management Arbitration Rules 2011* (Arbitration Rules) still applies, and Documents, Applications and Replies lodged after 5:00pm are taken to have been filed on the next (business) day.
- Arbitration documents lodged via the Online Module will be visible to the lodging party only. Notices issued by WorkCover WA e.g. Listing Notices, Orders, etc will be available to all parties.

2. The Application

The application process has been designed to recreate the Form 150 – Application for Arbitration, in an online environment.

There are two ways to draft an application for arbitration:

a) Drafting an Application for Arbitration – prepopulating information from the Conciliation record

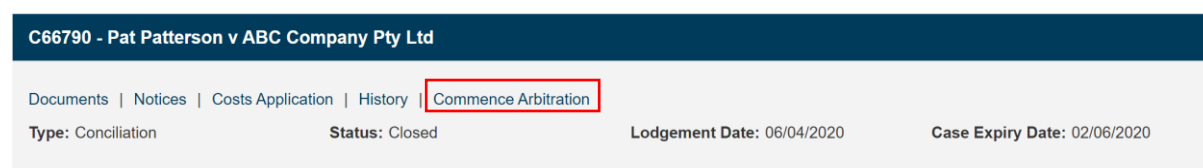
If the dispute remains unresolved following Conciliation, a Certificate of Outcome has been issued and the case has a status of 'Closed', the online user can pre-populate party names, addresses, injury and claim information directly from the Conciliation record to assist with drafting the Arbitration Application.

The pre-populate function is only available to the filing party of the Conciliation application.

The pre-populated information will need to be reviewed, to update any details which may have changed, and to add further information which is required by the Arbitration Service.

To commence an Arbitration application using the pre-populate feature, the user needs to:

- Access the Applications and Cases screen
- Use the search function, filter by status 'Closed'
- Navigate to the relevant closed Conciliation case
- There will be the option of Commence Arbitration



The screenshot shows a dark blue header bar with the text "C66790 - Pat Patterson v ABC Company Pty Ltd". Below this is a light grey navigation bar with links: "Documents", "Notices", "Costs Application", "History", and "Commence Arbitration" (which is highlighted with a red rectangular box). Below the navigation bar, there are four status fields: "Type: Conciliation", "Status: Closed", "Lodgement Date: 06/04/2020", and "Case Expiry Date: 02/06/2020".

- Select 'Commence Arbitration'
- The user will be taken to a Commence Arbitration screen

- Click on the 'Commence Arbitration Application' button

Commence Arbitration

If there are issues remaining in dispute following conciliation you have the option of lodging an application for arbitration. Arbitration is a formal proceeding at which evidence is heard and a legally qualified Arbitrator makes a final determination. The primary role of the Arbitration Service is to make legally binding determinations regarding workers' compensation disputes.

You can press the button below to create a draft Arbitration application. Some information from the Conciliation case will be pre-populated for you. You will need to review this information to make sure it is still correct.

Commence Arbitration Application

- A pop-up box will appear, select Confirm

Commence Arbitration Application

A draft Arbitration application will be created.


Confirm

Cancel

- A Draft arbitration application has now been created, with the party information and injury details copied from the Conciliation case. This information will need to be reviewed, to update any details which may have changed, and to add further information which is required by the Arbitration Service (Arbitration applications require physical address information which may not have been provided at the time of conciliation, and further details surrounding the injury).

b) Commencing an application from the "New Application" link

If the user seeking to create an Arbitration Application was not the filing party of the Conciliation application, an Arbitration Application can be commenced via the 'New Application' link, which can be accessed from the Applications and Cases screen.



Conciliation & Arbitration Services


Applications & Cases

Conferences & Hearings

Gain Access to an Existing Case

New Application

- Select 'New Application for Arbitration'



Conciliation & Arbitration Services

Applications & Cases

Conferences & Hearings

Gain Access to an Existing Case

New Application

Whisper Legal

New Application

New Application for Conciliation

Conciliation involves parties in dispute trying to come to an agreement. The primary role of the Conciliation Service is to resolve workers' compensation disputes by agreement with the assistance of an independent and impartial Conciliation Officer. Each party is given the opportunity to present their position and support it with evidence and other information. This may occur quickly and informally over the phone, but is usually done in a conciliation conference conducted in private.

New Application for Arbitration

Arbitration is a formal proceeding at which evidence is heard and a legally qualified Arbitrator makes a final determination. The primary role of the Arbitration Service is to make legally binding determinations regarding workers' compensation disputes. A dispute must have been conciliated by the Conciliation Service (or a certificate issued by the Director of Conciliation advising the matter is not suitable for conciliation) before an application can be made to the Arbitration Service.

The user then works through each of the screens, starting with the Applicant, and finishing with Optional information. This is very similar to how a Conciliation application would be entered, with some additional screens and text fields.

2.1 Application Screens

These are applicable to both methods of creation, however some fields will be pre-populated if the pre-populate function is used. See relevant screen shots below.

2.1.1 Applicant Details screen (if the worker is the Applicant)

Arbitration Application

Applicant Details

* Conciliation Case Reference Number

* Party Type

* Title

* Given Names

* Surname

* Gender

* Date of Birth

* Phone

Email

Postal Delivery Type ⓘ

Postal Delivery Number

Optional Address Line

Unit No

* No

* Street Name

* Road Type

* Suburb

Interpreter Required?

Representative Contact

Save

Next

Cancel

2.1.2 Respondent Details screen (if the employer is the respondent)

Respondent Details

* Party Type

* Company Name

Postal Delivery Type ⓘ

Postal Delivery Number

Optional Address Line

Unit No

* No

* Street Name

* Road Type

* Suburb

Interpreter Required?

* Phone

Contact Person

Title

Given Names

Surname

Email

Respondent Representative

Representative ⓘ

2.1.3 Insurer screen

Arbitration Application - Test Testerson v Testers Inc

Applicant | Respondent | Injury

Insurers

No insurers have been added

Details

* Insurer/Self-Insurer ⓘ

Representative ⓘ

Save Cancel

2.1.4 Injury screen

Arbitration Application - Test Testerson v Testers Inc

Applicant | Respondent | Insurer

New Injury

* Date on which the injury occurred ⓘ

* Type

DD/MM/YYYY

Date the Workers' Compensation Claim Form was given to the employer ⓘ

Workers' compensation claim number ⓘ

DD/MM/YYYY

* What is the injury and how did it occur?

Save Cancel

2.1.5 Issues screen

Arbitration Application - Test Testerson v Testers Inc

Applicant | Respondent | Insurer | Injury

New Issue

* Classification

* Type ⓘ

Specify the nature of the dispute and the orders sought

Save Cancel

As more detailed information is required at Arbitration with regards to the issues in dispute following Conciliation, the user will be prompted by the system to enter this information. This is a reflection of the various text fields which exist on the Form 150 Application for Arbitration.

Arbitration Application - Test Testerson v Testers Inc

Applicant | Respondent | Insurer | Injury

New Issue

* Classification

Issue remaining in dispute following the Application for Conciliation

* Type ⓘ

Determination of liability

* Specify the nature of the dispute and the orders sought

The applicant seeks a determination of liability in her favor and subsequent payment of weekly payments of compensation for total incapacity, and payment of medical and other statutory expenses.

* Period/s for which weekly payments are sought

From 10/10/2019 to date and ongoing

Details of medical/hospital/other expenses sought (include Date, Nature of Expense, Name of Provider and Amount)

Save Cancel

2.1.6 Documents screen

At the Application stage, the Documents screen function is in a very similar format to Conciliation. The main differences are that only PDF documents can be uploaded, and the list of Document Types available for selection is slightly different. *[Note: once an application has been accepted, the Documents screen works quite differently to Conciliation.]*

Arbitration Application - Test Testerson v Testers Inc

Applicant | Respondent | Insurer | Injury | Issue | Foreshadowed

Documents

ⓘ You must upload the Certificate of Outcome issued by the Conciliation Officer, or a Certificate stating the dispute is not suitable for conciliation, issued by the Director, Conciliation.

New Document Upload


* Type

* Description

* Author

* Date of Document

* File



Click/drag here to select the file you want to upload
Only accepts PDF files

2.1.7 Foreshadowed Documents and Information

This screen reflects the Form 150. The user can add the details of any documents and information that is intended to be relied upon but is not yet available for lodgement, as is provided for by Arbitration Rule 25(3).

Arbitration Application - Test Testerson v Testers Inc

Applicant | Respondent | Insurer | Injury | Issue | Documents

Foreshadowed Documents

New Foreshadowed Document

* Nature of Evidence

* Intended use

* Date of expected availability

* Author (Incl. Speciality if medical report)

* Reason not available

Save

Cancel

! List documents and information you intend to use but do not yet have (not applicable for applications under section 60, 62, 71 or 72A)

2.1.8 Optional Information screen

Arbitration Application - Test Testerson v Testers Inc

Applicant | Respondent | Insurer | Injury | Issue | Documents | Foreshadowed

Optional Information

Are there any dates that you will not be available to attend a hearing? *!*

☐ Yes ☒ No


Save

Next

Cancel

2.1.9 Submit

Upon completion of the Application screens the application can be submitted. The user will be prompted if they have missed any required information.



Home

Grid

Chat

Mail

Settings

User

Share

Conciliation & Arbitration Services

Applications & Cases

Conferences & Hearings

Gain Access to an Existing Case

New Application

Whisper Legal

Test Testerson v Testers Inc

Applicant | Respondent | Insurer | Injury | Issue | Documents | Foreshadowed | Optional

Type: Arbitration

Status: Draft

Restrict Access

Delete Application

Submit Application

The following information is not mandatory but is recommended:

- Insurer details

You have entered the minimum required information.

Press Submit to lodge this application with the Workers' Compensation Arbitration Service, where it will be assessed for compliance with the *Workers' Compensation and Injury Management Act 1981* and the *Workers' Compensation and Injury Management Arbitration Rules 2011*.

Submit

Once submitted, the application will be assessed by the Registry in the normal manner for compliance with the Arbitration Rules and the *Workers' Compensation and Injury Management Act 1981*.

2.2 Application Accepted / Rejected

Once the application is accepted, an application summary bearing the seal of the Arbitration Service, along with Sealed versions of the documents lodged, will be available for download from the Documents Screen.

The online user will be alerted to the fact that the application has been accepted by way of a 'Notice of Acceptance' email alert.

[Note: The Respondent, or their Representative, or their Insurer, depending on the circumstances, will also receive a 'Notice of Acceptance' alerting them to the fact an application has been lodged and providing them with their Unique Party Code (UPC) for the case. Representatives/Insurers will automatically have access to the case online if they were named in the application, but will still need to be served with the sealed application and documents.]

In the Documents screen, documents lodged with the Application will have been replaced by versions of the lodged documents bearing the seal, and the document will have a status of 'Sealed'.

The application summary and documents will still need to be Served on the other party/parties in accordance with the Arbitration Rules. **Service is not facilitated by the Online Module.**

Non-evidentiary documents uploaded separately to supporting documents, such as a covering letter, will not be sealed, but will have a status of 'Received'.

If a particular document was not accepted as part of the application, it will have a status of 'Rejected', and the document will not have been sealed.

If the Application is rejected, an application summary document will still be generated, but it will not be sealed. This is just for the users' records. All of the documents lodged with the application will have a status of 'Rejected', and will not be sealed. The user will be alerted to the fact that the application has been rejected by way of a 'Notice of Rejection' (a standard email alert for a new Notice). Parties other than the filing party will not be able to access or view a rejected application.

2.3 Case

An accepted application becomes a 'Case'.

2.4 Other parties to the dispute

Once the application has been accepted, other parties to the dispute who already have access to WorkCover Online (such as insurers and legal representatives) will be able to view the basic summary screen of the Application via the Online Module, but will not be able to view any of the documents lodged.

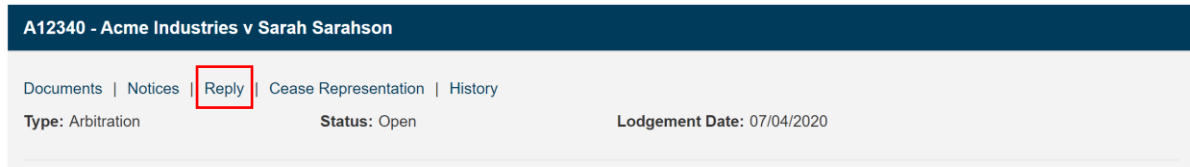
Workers and Employers will be able to gain access to the case using UPCs issued at the time of acceptance of the application, but the onus is on the representative or insurer to provide their client or insured with the UPC from the Notice of Acceptance.

Parties who have had a representative submit the application on their behalf who decide to gain access to the case online will be able to view a list of the Documents

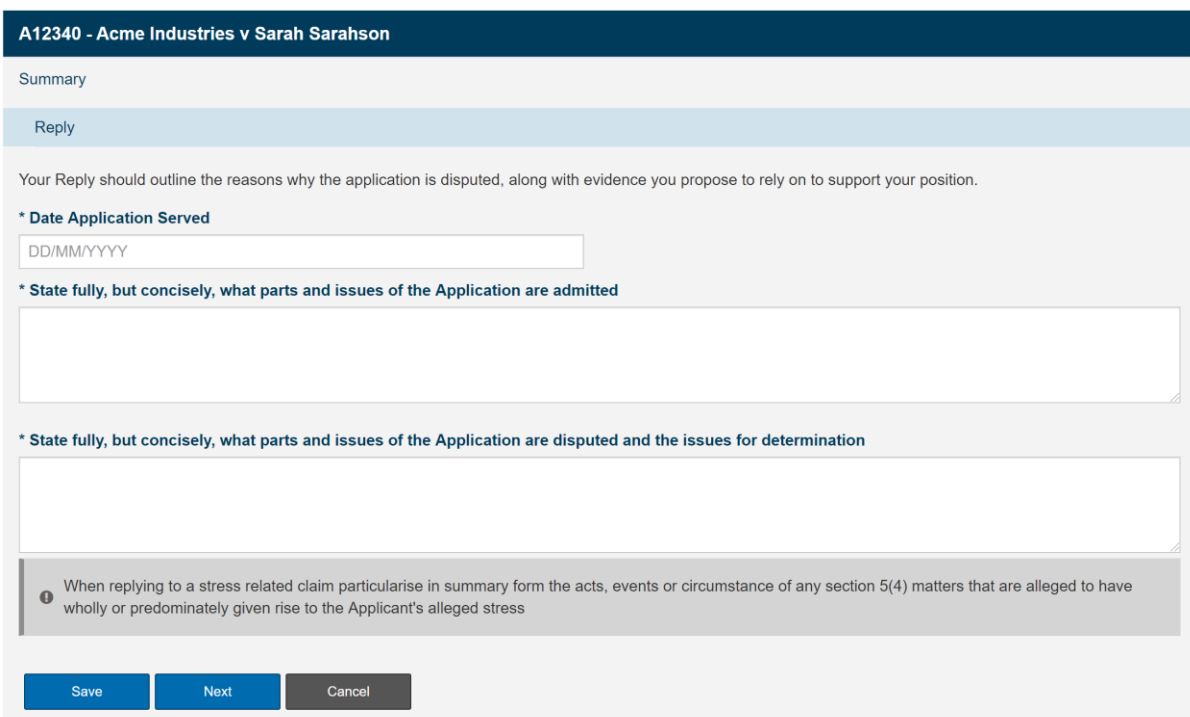
lodged, and the status of those documents, **but the documents themselves will not be available for download.**

3. Reply

A respondent to a dispute (and/or their insurer/representative) have access to a Reply function via the case online. The Reply function has been designed to recreate the Form 154 – Reply to an Application for Arbitration, in an online environment.

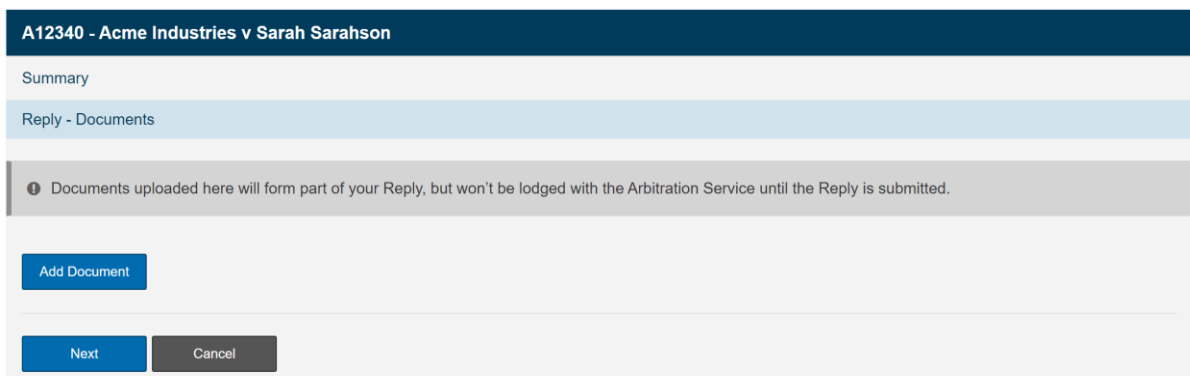


The fields on the first screen are mandatory, and reflect what is currently required by the Form 154.



3.1 Documents

Documents lodged in support of the Reply must be uploaded via the Reply function if they are to form part of the Reply. They should not be uploaded via the main 'Documents' screen (there is a warning message on the main Documents screen to this effect).



3.2 Foreshadowed Documents and Information

Once again replicating the Form 154, the user can add the details of any documents and information that is intended to be relied upon but is not yet available for lodgement, as is provided for by Arbitration Rule 29(5).

A12340 - Acme Industries v Sarah Sarahson

Summary

Reply - Foreshadowed Documents

New Foreshadowed Document

*** Nature of Evidence**

*** Author (Incl. Speciality if medical report)**

*** Intended use**

*** Reason not available**

*** Date of expected availability**

List documents and information you intend to use but do not yet have.

3.3 Submit

A12340 - Acme Industries v Sarah Sarahson

Summary

Submit Reply

You have entered the minimum required information and can now submit this reply if you are ready to do so.

Once the Reply has been submitted, it will be assessed by the Registry in the normal manner for compliance with the Arbitration Rules and the *Workers' Compensation and Injury Management Act 1981*.

3.4 Reply Accepted / Rejected

Once the Reply is accepted, a Reply summary bearing the seal of the Arbitration Service, along with Sealed versions of the documents lodged, will be available for download from the Documents screen. The user will be alerted to this via an email alert which states "Your Reply has been accepted".

In the Documents screen, documents lodged with the Reply will have been replaced by versions of the lodged documents bearing the seal, and the document will have a status of 'Sealed'.

The Reply summary and sealed documents will still need to be Served on the other party/parties in accordance with the Arbitration Rules. **Service is not facilitated by the Online Module.**

Non-evidentiary documents uploaded separately to supporting documents, such as a covering letter, will not be sealed, but will have a status of 'Received'.

If a particular document was not accepted as part of the reply, it will have a status of 'Rejected', and the document will not have been sealed.

If the Reply is rejected, a reply summary document will still be generated, but it will not be sealed. This is for the users' records. All of the documents lodged with the Reply will have a status of 'Rejected', and will not be sealed. The user will be alerted to the fact that the Reply has been rejected by way of a 'Notice of Rejection' (email alert).

4. After the Application and Reply

The Arbitration Service aspect of the Online Module works in a similar way to the Conciliation Service aspect from this stage onwards. Upcoming hearings are displayed on the Summary screen for each case, and a list of all scheduled Conferences and Hearings can be viewed via the Conferences and Hearings Screen (which was previously the 'Conferences' screen).

The key difference between Conciliation Online and Arbitration Online is the Documents screen.

The Respondent and any representatives and/or the insurer cannot view or download any of the Applicant's documents, and vice versa.

Only the filing party of a document can download the document. Users on the same dispute "side" as the filing party can view a list of documents lodged, but cannot download the documents. See the example screenshot below – the online user in this scenario is a represented worker. The worker can see the list of documents filed on their behalf by the representative, but are not able to download the documents.

A66792 - Sarah Sarahson v Testers Inc

Summary | Notices | History

Documents

- Please be aware that uploading a document results in the document being lodged with the Arbitration Service. Documents not lodged in accordance with the Workers' Compensation and Injury Management Arbitration Rules 2011 may be rejected.
- In accordance with the Workers' Compensation and Injury Management Arbitration Rules 2011, a document is taken to have been lodged:
 - (a) If the whole document is received before 5.00pm on a particular working day, on that day; or
 - (b) Otherwise, on the next working day.

Add Another Document
Download Selected Documents

Filed Date	Description	Type	Filed By	Last Accessed	Status	Select All
06/04/2020	Conciliation Certificate of Outcome or Unsuitability - CO Martens - 25/03/2020	Conciliation Certificate of Outcome or Unsuitability	Whisper Legal	N/A	Sealed	
06/04/2020	A medical report - Dr Lawson May - GP - 20/01/2020	Medical Reports	Whisper Legal	N/A	Sealed	
06/04/2020	A66792 - Application Summary	Miscellaneous Documents	Whisper Legal	N/A	Sealed	

The same will apply if there is a change in representation. **The new representative will be able to view the list of documents filed by the previous representative, but will not be able to download them.**

4.1 Gaining access to a case

Representatives who were not named on the original application will need their clients' UPC to gain access to the case, the same as for a Conciliation case. The Arbitration Service will not ordinarily provide the UPC to an enquiring representative, it should be obtained from the client (from the Notice of Acceptance). The Notice of Acceptance can be re-issued by the Arbitration Service to the party directly, if necessary.

4.2 Documents

Documents added to a case will have a status, which is a new concept unique to the Arbitration aspect of the Online Module.

- Pending – the document has been submitted by the online user to the Arbitration Service.
- Sealed – the document has been accepted and now bears the seal of the Arbitration Service.
- Rejected – the document has been rejected by the Arbitration Service and is taken not to have been lodged.
- Received – this is reserved for documents such as general correspondence, covering letters and provision of unavailable dates – that is, non-evidentiary type documents.

The filing party will receive an email alert to advise that a document has been sealed. This alert is issued once every 24 hours. Once a document has been sealed, the filing party will need to download the sealed document and **serve the document on the other party/parties to the dispute**. The requirement for service has not changed with the introduction of online lodgement capabilities.

If a document is rejected, the filing party will receive an email alert that there is a Notice available for viewing, notifying the party of the rejection of the document and the reasons for rejection.

Filed Date	Description	Type	Filed By	Last Accessed	Status	<input type="checkbox"/> Select All
07/04/2020	Respondent's Submissions - Whisper Legal - 07/04/2020	Respondent's Submissions	Whisper Legal	07/04/2020	Sealed	<input type="checkbox"/>
07/04/2020	Reports from the treating GP - Dr May - General Practice - Various	Medical Reports	Whisper Legal	07/04/2020	Sealed	<input type="checkbox"/>
07/04/2020	Reply to Application for Arbitration Summary -Accepted	Miscellaneous Documents	Whisper Legal	07/04/2020	Sealed	<input type="checkbox"/>
07/04/2020	Respondent's unavailable dates for May - July 2020 - Whisper Legal - 07/04/2020	Correspondence	Whisper Legal	07/04/2020	Received	<input type="checkbox"/>
07/04/2020	Supplementary report from rehabilitation provider - Jane Smith - 25/03/2020	Rehabilitation Reports	Whisper Legal	07/04/2020	Rejected	<input type="checkbox"/>
07/04/2020	Interlocutory application - seeking to lodge previously unspecified evidence - John Smith - 07/04/2020	Interlocutory Application	Whisper Legal	07/04/2020	Pending	<input type="checkbox"/>

5. Support

Should you require any assistance with WorkCover WA Online, contact the CAS Online Helpdesk by e-mail casonline@workcover.wa.gov.au.